



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 9, 2005

Ordinance 15328

Proposed No. 2004-0378.2

Sponsors Gossett

1 AN ORDINANCE relating to comprehensive planning;
2 adopting the 2005 County Space Plan; altering the space
3 plan submittal requirements; changing the requirements for
4 council approval of leases of real property; and amending
5 Ordinance 10810, Section 1, as amended, and K.C.C.
6 20.12.100 and Ordinance 12045, Section 23, as amended,
7 and K.C.C. 4.04.040.

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9
10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Findings. The council hereby makes the following findings of fact:

12 A. Section 220.20 of the King County Charter provides that the county council
13 shall be the policy determining body of the county and shall have all legislative powers of
14 the county. The council exercises its legislative power by the adoption and enactment of
15 ordinances, including comprehensive plans for the present and future development of the
16 county. The King county space plan is a subelement of the capital facilities element of
17 the King county Comprehensive Plan.

18 B. King county's facilities management division has the responsibility to provide
19 a variety of services to county agencies. One of the responsibilities is to prepare a
20 proposed annual county space plan.

21 C. The adopted county space plan governs development of all facility master
22 plans, facility program plans and CIP and lease requests for space housing county agency
23 operations.

24 D. This space plan is guided by long-range policies adopted by the council over
25 the past five years, as well as by the findings of the properties expert review task force,
26 the budget advisory task force, the elections oversight committee and the King County
27 commission on governance, which urged controls on the growth of criminal justice
28 agency costs, strategic investment in technology and the need to complete annexation or
29 incorporation of the urban unincorporated areas of the county.

30 E. The council has found operational master plans to be a useful tool for framing
31 strategic and budgetary decisions regarding specific county agencies. Often operational
32 master plans lead to the development of facilities master plans affecting the needs for
33 long term asset management and space planning.

34 F. Motion 11482, approved by the council on July 29, 2002, adopted the strategic
35 technology plan that set forth six guiding principles for the county's significant resource
36 investments in technology. The plan is updated annually and sets the direction for county
37 technology planning, operations and management. The plan to standardize and organize
38 technology could directly impact the space needs for the information technology services
39 division and the data center.

40 G. Motion 12099, approved by the council on April 4, 2005, requested that the
41 executive provide a space plan for the consolidation of elections operations into a single
42 facility. The motion also requested an evaluation of the needs for elections operations
43 and an analysis of the functional areas of elections, personnel and equipment needs.

44 H. Additional reports on elections operations are pending and have not been
45 reviewed by the council. The additional reports are the King county independent task
46 force on elections, the independent management audit, the business continuity project and
47 the citizens' election oversight committee report.

48 I. It is the council's intent to provide for the adaptability of space within the new
49 county office building by providing infrastructure improvements including structural
50 upgrades to support possible increased loads that may be needed for storage or materials
51 handling associated with ballot storage.

52 J. Motion 12018, approved by the council on September 27, 2004, adopted a
53 policy framework and 2005 work program for the annexation initiative. The county's
54 annexation initiative, which is designed to encourage annexation or incorporation of the
55 urban unincorporated areas as envisioned by the Growth Management Act and the
56 Countywide Planning Policies, should be considered when making space planning
57 decisions.

58 K. The space plan continues to reduce the county's reliance on outside leased
59 space. The plan recommends moving from dependence on short-term leased space in the
60 downtown Seattle area to owned space or long-term leased space, with the option to own,
61 when lease space exceeds ten percent of downtown occupied space and when it is shown

62 that building ownership will provide a long term cost benefit to the county. This policy is
63 intended to provide long term savings for the county for reinvestment in human services.

64 L. It is the council's intent that the 2005 space plan will provide direction to the
65 executive regarding agency tenants for the new county office building.

66 M. It is the council's intent that the programming for standard office space tenant
67 improvements in the new county office building, as required by the developer, shall
68 proceed in accordance with the new county office building development agreement. It is
69 the council's understanding based upon testimony before the budget and fiscal
70 management committee on July 6, 2005, that tenant selection for up to twenty-five
71 percent of the tenant space programming decisions may be postponed until February
72 2006.

73 N. It is the council's intent that programming for the remaining tenant space in
74 the new county office building shall be done subsequent to the council's review of
75 technology and elections reports and the council's approval of locations for elections
76 consolidation, executive offices and information technology services.

77 O. The county has retained, upgraded and restored the King County courthouse,
78 including life safety improvements, so that it is available for functions requiring weapons
79 screening or a heightened level of security. Due to the availability of heightened security,
80 elected officials such as judges, councilmembers, the executive, the prosecuting attorney,
81 the sheriff and the assessor should be considered priority candidates for occupancy in the
82 courthouse. Supporting functions for approved courthouse occupants requiring
83 heightened security shall also be candidates for occupancy.

84 P. County risk management officials have stated that the appropriate level of
85 seismic upgrade for county buildings is the life safety standard. However, when dealing
86 with existing buildings that house county employees application of this standard has been
87 inconsistent. It is the council's intent to set seismic standards in the space plan for
88 application to future county buildings, future leased space, and future acquisitions. It is
89 also the council's intent that the executive develop minimum seismic standards and
90 transmit such standards to the council for approval. The standards shall be based on
91 measurable structural engineering standards, building codes or Federal Emergency
92 Management Agency guidelines and shall be used to guide facility decisions for any
93 future construction, future building acquisition, or future leased space housing county
94 employees.

95 Q. It is the intent of the council that upon completion of the department of adult
96 and juvenile detention, operational master plan implementation plan and the integrated
97 security project, the executive shall develop a proposal for locating the work education
98 release ("WER") program in the west wing of the King county correctional facility. The
99 proposal shall include recommendations for alternative tenants in the courthouse space
100 vacated by WER.

101 R. It is the intent of the council that the space plan shall provide additional space
102 needs for the district court at the regional justice center in Kent through the conversion of
103 vacated criminal investigation division space into courtrooms, jury rooms, and associated
104 support space.

105 S. K.C.C. 4.04.040 requires council approval for leases of real property for
106 longer than one year, except in certain limited circumstances. Because leases of longer

107 than one year can result in substantial costs to the county, it is the council's intent that any
108 decision to continue the lease or agreement beyond a cumulative total of two years shall
109 require council approval.

110 T. Ordinance 15118, approved by the council on February 7, 2005, governs the
111 application of leadership in energy and environmental design (LEEDS) standards for
112 county office buildings. The 2005 county space plan adopted in this ordinance further
113 clarifies these standards for space planning.

114 U. Revised space standards are adopted in the 2005 county space plan and
115 provide the standards for programming the new county office building. These standards
116 should be refined through that process and refinements of the standards are anticipated in
117 future space plans.

118 V. The council finds that the proposed space plan update change to a biennial
119 submittal is reasonable on March 1 of every other year, beginning March 1, 2006.

120 W. King County has adopted the 1994 King County Comprehensive Plan to meet
121 the requirements of the Washington state Growth Management Act. The space plan is a
122 subelement of the capital facilities element of the King County Comprehensive Plan and
123 any amendments to that plan are currently required to be submitted by the executive to
124 the council by August 1 of each year.

125 X. The Growth Management Act requires the county's Comprehensive Plan to be
126 amended only once each year except for amendments, including those to the capital
127 facilities element of the Comprehensive Plan, that occurs in conjunction with the
128 adoption of the county budget.

129 SECTION 2. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100 are
130 each hereby amended to read as follows:

131 **County space plan.** The 2005 county space plan dated July 13, 2005, ~~((consisting~~
132 ~~of space standards, current and future space needs, county facility development policy~~
133 ~~framework, previously adopted county facility master plans and the annual county facility~~
134 ~~planning work program as contained in Attachments A and B to Ordinance 14515 is))~~
135 consisting of planning policies, location of county agencies and implementation plan, and
136 incorporating the King County Department of Executive Services Space Plan 2004
137 transmitted by the executive on July 23, 2004, is adopted as a subelement of the public
138 facilities element of the comprehensive plan and the master plan for county facility
139 development as defined in K.C.C. 4.04.020. The ~~((adopted))~~ county space plan dated July
140 13, 2005, shall govern development of all facility master plans, facility program plans and
141 CIP and lease requests for space housing county agency operations.

142 The executive shall update the current and future space needs and ~~((facility work~~
143 ~~program sections))~~ implementation plans of the county space plan and submit them to the
144 council as amendments to the county space plan by ~~((August 1 of each year. New facility~~
145 ~~master plans shall also be adopted by the council as amendments to the county space~~
146 ~~plan))~~ March 1 of every other year, beginning on March 1, 2006. In accordance with
147 Motion 11118, any future space plan documentation should ~~((be used))~~ use as a guideline
148 the document "A Template for Space Planning: Recommendation from the King County
149 Space & Facilities Peer Review Panel December 2000" ~~((for the purposes of this~~
150 ~~section,))~~ "peer review report")~~((. For informational purposes only, the peer review~~
151 ~~report is included))~~, which was adopted as Attachment C to Ordinance 14515. While the

peer review report should guide the preparation of future space planning documentation,
((the peer review report)) it does not constitute mandatory requirements for space
planning.

SECTION 3. Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 are
each hereby amended to read as follows:

A. The council and executive shall execute the responsibilities outlined below in
order to accomplish the preparation and distribution of the budget and budget document.

1.a. At least one hundred thirty-five days before the end of the fiscal year, all
agencies shall submit to the executive information necessary to prepare the budget.

b. Before presentation to the council, the executive may provide for hearings on
all agency requests for expenditures and revenues to enable ((him)) the executive to make
determinations as to the need, value or usefulness of activities or programs requested by
agencies. The executive may require the attendance of proper agency officials at such
hearings, and it shall be their duty to disclose such information as may be required to
enable the executive to arrive at final determinations.

c. The executive shall prepare and present an annual budget and budget message
to the council no later than seventy-five days before the end of the fiscal year. Copies of
the budget and budget message shall be delivered to the clerk of the council and each
councilmember.

d. The executive shall prepare and present a proposed appropriation ordinance
not later than seventy-five days before the end of the fiscal year. The proposed
appropriation ordinance shall specify by any combination of fund, program, project and
agency the expenditure levels for the ensuing budget year.

175 e. Before ((~~to~~)) the public hearing on the budget, the budget message and
176 supporting tables shall be furnished to any interested person upon request, and copies of the
177 budget shall be furnished for a reasonable fee as established by ordinance and shall be
178 available for public inspection.

179 f. Seven days before the presentation of the annual budget and budget message
180 to the council, the director shall submit to the council copies of all agency and departmental
181 budget requests((;)) and departmental and divisional work programs.

182 2.a. The council shall review the proposed appropriation ordinance and shall
183 make any changes or additions it deems necessary except the council shall not change the
184 form of the proposed appropriation ordinance submitted by the executive.

185 b. The council shall then announce and subsequently hold a public hearing or
186 hearings as it deems necessary.

187 c. Upon completion of the budget hearings, the council shall by ordinance adopt
188 an appropriation granting authority to make expenditures and to incur obligations, and the
189 council may attach an accompanying statement specifying legislative intent.

190 3. The director shall be responsible for the printing and distribution of the
191 executive proposed budget and final adopted budget.

192 B.1.a. Within thirty days after adoption of the appropriation ordinance, all
193 agencies shall submit to the executive a statement of proposed expenditures at such times
194 and in such form as may be required by the executive, provided that the council is not
195 required to submit an allotment. The statement of proposed expenditures shall include
196 requested allotments of appropriations for the ensuing fiscal period for the department or

197 agency concerned by either program, project, object of expenditure or combination
198 thereof and for such periods as may be specified by the executive.

199 The executive shall review the requested allotments in light of the department's or
200 agency's plan of work, and may revise or alter requested allotments. The aggregate of the
201 allotments for any department or agency shall not exceed the total of appropriations
202 available to the department or agency concerned for the fiscal period.

203 b. If at any time during the fiscal period the executive ascertains that available
204 revenues for the applicable period will be less than the respective appropriations, the
205 executive shall revise the allotments of departments or agencies funded from such revenue
206 sources to prevent the making of expenditures in excess of revenues. To the same end, the
207 executive is authorized to assign to, and to remove from, a reserve status any portion of a
208 department or agency appropriation which in the executive's discretion is not needed for the
209 allotment. No expenditure shall be made from any portion of an appropriation which has
210 been assigned to a reserve status except as provided in this section.

211 2. The executive shall periodically review any pay and classification plans, and
212 changes thereunder, for fiscal impact, and shall recommend to the council any changes to
213 such plans; provided, that none of the provisions of this subsection shall affect merit
214 systems of personnel management now existing or hereafter established by ordinance
215 relating to the fixing of qualification requirements for recruitment, appointment, promotion
216 or reclassification of employees of any agency.

217 3. During the last quarter of the fiscal year, the council when requested by the
218 executive may adopt an ordinance to transfer appropriations between agencies; but a capital

219 project shall not be abandoned thereby unless its abandonment is recommended by the
220 department or agency responsible for planning.

221 4.a. Unless otherwise provided by the appropriation ordinances and as set forth
222 herein, all unexpended and unencumbered appropriations in the current expense
223 appropriation ordinances shall lapse at the end of the fiscal year. As used in this
224 subsection, "current expense appropriations" include all non-capital budget appropriations.

225 b. A portion of any such appropriations may be carried forward into the
226 subsequent fiscal year as part of a savings incentive program administered by the director
227 and calculated as follows:

228 (1) The amount to be carried forward shall be one-half of the unexpended and
229 unencumbered current expense appropriations which exceed underexpenditure
230 requirements established for the year by the director, and exceed any loss of grant, contract
231 or similar revenues, which are dedicated to fund the activities supported by the applicable
232 appropriations. These amounts must result from efficiencies and other management
233 measures; and

234 (2) The calculated amount shall exclude appropriations requested in the
235 subsequent fiscal year to pay for goods or services planned to be purchased during the
236 current fiscal year, but neither delivered nor paid for during the current fiscal year.

237 c. Amounts carried forward as set forth in this subsection shall be expended to
238 improve productivity and service quality. Authorized uses include, but are not limited to,
239 the acquisition of equipment, testing new service delivery systems and training, so long as
240 such uses do not create recurring, annual obligations beyond minor equipment maintenance
241 costs and are consistent with any applicable county automation standards and plans.

242 d. By May 1st of each year, the executive shall submit to the council a report
243 describing the amount of savings each agency has carried forward from the prior fiscal
244 year.

245 e. An appropriation in the capital budget appropriations authorization shall be
246 canceled at the end of the fiscal year, unless the executive submits to the council the report
247 of the final year end reconciliation of expenditures for all capital projects on or before
248 March 1((st)) of the year following the year of the appropriation, and each year thereafter in
249 which the appropriation remains open.

250 5. There is hereby created the current expense opportunity fund. Contributions to
251 the fund shall be made pursuant to the formula contained in this subsection, or by direct
252 appropriation.

253 a. The amount deposited in the current expense opportunity fund shall be one-
254 half of the unexpended and unencumbered current expense appropriations which exceed
255 underexpenditure requirements established for the year by the office of financial
256 management, and exceed any loss of grant, contract or similar revenues, which are
257 dedicated to fund the activities supported by the applicable appropriations. The calculated
258 amount shall exclude appropriations requested in the subsequent fiscal year to pay for
259 goods or services planned to be purchased during the current fiscal year, but neither
260 delivered nor paid for during the current fiscal year. The funds deposited in the current
261 expense opportunity fund shall be equal to the funds made available to the savings
262 incentive program.

b. The executive may recommend, subject to appropriation, the expenditure of the current expense opportunity funds in the annual budget submittal or in supplemental spending requests.

6.a. Except as otherwise provided in this subsection B.6 of this section, no agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated. Any contract made in violation of this section shall be null and void; any officer, agent or employee of the county knowingly responsible under such a contract shall be personally liable to anyone damaged by this action. The council when requested to do so by the executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, except that the executive may enter into grant contracts, as provided under subsection B.7 of this section.

b. The term of a lease or agreement for real or personal property shall not extend beyond the end of a calendar year unless:

(1) funding for the entire term of that lease or agreement is included in a capital appropriation ordinance provided that any lease or agreement longer than a cumulative total of two years shall require council approval; or

(2) such lease or agreement includes a cancellation clause under which the lease or agreement may be unilaterally terminated for convenience by the county and costs associated with such termination for convenience, if any, shall not exceed the appropriation for the year in which termination is effected provided that any decision to continue the lease or agreement beyond a cumulative total of two years shall require council approval; or

286 (3) such lease or agreement is authorized by ordinance for such periods and
287 under such terms as the county council shall deem appropriate.

288 c. Real property shall not be leased to the county for more than one year unless it
289 is included in a capital appropriation ordinance.

290 d. Nothing in this section shall prevent the making of contracts or the spending
291 of money for capital improvements, nor the making of contracts of lease or for service for a
292 period exceeding the fiscal period in which such contract is made, when such contract is
293 permitted by law.

294 7. The executive may enter into contracts to implement grants awarded to the
295 county before the appropriation of grant funds, including appropriations that must be made
296 in future years, if the council has received prior notice of the grant application and if either
297 of the following conditions are met: all of the funds to be appropriated under the contract

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298 will be from the granting agency; or all financial obligations of the county under the
299 contract are subject to appropriation.
300

Ordinance 15328 was introduced on 8/23/2004 and passed by the Metropolitan King County Council on 11/21/2005, by the following vote:

Yes: 13 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 3rd day of December, 2005.

Ron Sims, County Executive

Attachments A. 2005 County Space Plan, dated July 13, 2005